

FILED

JUN 15 2016

U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

BENJAMIN SIMMS, a/k/a "Bennie"

Defendant.

4:16CR246 CDP/DDN

INDICTMENT

COUNT ONE

The Grand Jury charges that:

Beginning at some point unknown but including January 2016, in the Eastern District of Missouri and elsewhere,

**BENJAMIN SIMMS a/k/a "Bennie,"**

the Defendant herein, did knowingly and intentionally combine, conspire, confederate and agree with other persons known and unknown to this Grand Jury, to commit offenses against the United States, to wit: to distribute and possess with the intent to distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 846; and the amount of cocaine involved in the conspiracy attributable to the Defendant as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, is five (5) kilograms or more, punishable under Title 21, United States Code, Section 841(b)(1)(A).

**FORFEITURE ALLEGATION**

The Grand Jury further finds by probable cause that:

1. Pursuant to Title 21, United States Code Section 853(a), upon conviction of an offense in violation of Title 21, United States Code, Sections 841(a)(1) and 846 as set forth in Count I, the defendant listed in Count I shall forfeit to the United States of America any property, real and personal, constituting or derived from any proceeds obtained directly or indirectly as a result of said offenses, and any property used, or intended to be used, in any manner or part to commit or facilitate the commission of said offenses.

2. Subject to forfeiture is a sum of money equal the total value of any property, real or personal involved in transactions or attempted transactions in furtherance of the offense charged in Count I.

3. Specific property subject to forfeiture in Count I includes, but is not limited to, the following:

- a. \$13,894 in US currency seized on April 25, 2016;
- b. Ruger LCP .380 semi automatic pistol, serial number 371-64799; and
- c. Steyr .357 pistol, serial number 3073288.

4. If any of the property described above, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided  
without difficulty,

the United States of America will be entitled to the forfeiture of substitute property  
pursuant to 21 U.S.C. § 853(p).

A TRUE BILL.

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FOREPERSON

RICHARD G. CALLAHAN  
United States Attorney

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Stephen Casey #58879MO  
Assistant United States Attorney